1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

172 founded in a single room in 1924, was more spaciously housed two years later. A suitable Antiquities Law was passed. This, and all Antiquities affairs, were handled at the King's request by Miss Bell as Honorary Director until her death, when she was succeeded in that capacity by Cooke of the Awqaf.

744 The Health service, under an 'Iraqi Director-General since 1922 with Dr. T. J. Hallinan as Inspector-General, developed slowly but soundly. It maintained its hospitals in main centres, its town dispensaries, its quarantine and pilgrim services, its specialist institutes for opthalmic, X-ray, pathological, chemical, and anti-rabies work, and its training courses in pharmacy and nursing. The twenty-five 'Iraqi and Lebanese doctors employed in 1921 increased to over eighty within ten years; British doctors in the same decade fell from forty to twenty, British nurses from twenty-four to eleven, and Indian (subordinate) staff from over two hundred to four. Out-patient attendances rose from 715,000 in 1921 to 1,600,000 in 1926, and were to be double that figure in 1930. The 'Iraq Railways had their separate medical service. The Jewish hospital of Mir Elias in Baghdad continued independent. A severe cholera epidemic was well handled in 1923.

619 721 166 622 In the tribal world something of a new spirit now manifest could well raise hopes for a future of peace and settlement. Although the economic background of tribal unrest—uncertainty of land rights, the claims of absentee title-holders, uncontrolled irrigation, insecurity, and unjustly small crop-shares—was all unchanged, and although to many a shaykh local autarky or anarchy was still the ideal, yet there were forces also on the side of order and progress. Such police or punitive action as Government was forced to take in the period 1922 to 1926 was invariably effective. Age-long feuds, such as that of the 'Ana and Rawa folk, were composed; the toll-taking and raiding of the Shammar diminished. The marsh area of Chuba'ish was happily transformed by the removal of its potentate, Salim al-Khayyun: disobedience was chastised in 'Afak and Samawa areas, and elsewhere a score of tribal offences were punished. The opening of roads in the mid-Euphrates marsh-intersected districts, with new police posts soundly constructed and regular patrols of mounted or motorized police, had good effect. And Government tribal policy had itself been modified. An element in the 1920 insurrection was held to be the grant, under British policy, of excessive authority to the shaykhs; an 'Iraqi governing class substantially urban and anti-tribal was unlikely to persist in this attitude. To penetrate, break up, weaken, and thus 'civilize' the tribe became and remained the policy of the 'Iraq Government, as it had been of the Ottoman. Even the tribal leaders who sat in Parliament or joined in party

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

movements and haunted ministerial ante-rooms now thought of seeking their advantage by Government action rather than by tribal disobedience. Reports made in 1926 show satisfaction at the decrease of raiding, the willing recourse of tribesmen to the Sarays, better Government control, and fruitful use made of the Tribal Disputes Regulations—one of the most valuable legacies of the British régime.

8. DEVELOPMENT

If major irrigation works were precluded in this period by the poverty of the State, it was no less valuable that a permanent irrigation service, staffed by specialists and relying on ever-widening surveys, was watching conditions, accumulating data, constructing small works of immediate value—canal-heads, regulators, realignments—redesigning vital flood-banks, and planning the future. Without it, the stagnation and deterioration of the Turkish era must have continued, and the serious floods of 1923 and 1926, which with disastrous damage inundated outlying quarters of Baghdad itself, including a railway station and Customs warehouse, must have been yet more ruinous. Considerable canals from the mid-Euphrates left-bank above the Barrage—the Ṣaqlawiya and Yusifiya—were re-created and their lands carefully allotted. The Hindiya Barrage itself was extensively repaired and improved. The Department of Irrigation was administered by A. B. Aitken until 1921, by P. J. Sellier until 1925, and J. M. Wilson during that year, and by L. E. Bury from the Sudan from 1925–8.

In the field of agriculture, a department under an 'Iraqi director-general since 1924, J. F. Webster was Inspector-General in succession to the pioneer of Iraq cotton-growing, Roger Thomas; but here, too, far less could be attempted than the needs of the territory demanded. Land settlement could not yet be other than local, ill based, and occasional; the disastrous agrarian background was unchanged; and experiments in new crops, silk-growing, and seed varieties made at the Agricultural Institute must remain at present without effect on the prevailing practices of an agriculturally primeval peasantry. Nevertheless, a beginning was made with scientific cotton cultivation, for which high hopes were formed; the British Cotton Growing Association opened an agency and erected a modern ginnery. A large-scale general farm on mechanized lines was started by an Englishman near Mosul, but did not long survive. The Wolfra Syndicate, which hired land on the Diyalā and attempted modern farming methods, similarly could not overcome native conservatism and renounced its enterprise. The King himself owned an important estate near Khaniqīn, and

But occupying cultivators in the South, while recognising tribal allegiance and the State's legal ownership (raqaba) of the land, commonly regarded their tribal group as possessors of the soil by immemorial right, whatever the period of its occupancy of the land might in fact be. They frequently resented any demand for mallakiya, and indeed any claims to overlordship other than those of the State. It should not be assumed that in such disputes one side was invariably unjustly acquisitive or the other side obstinately recalcitrant. Each party doubtless thought that substantial justice lay on its side. Circumstances alter cases and it is neither possible nor useful to generalise on the point. It is the removal of the injury caused by these longstanding differences, alike to agricultural prosperity and to public peace, that is the objective, not the justification or satisfaction of particular disputants. As is well known this need was so strongly impressed on Government by recurring violence along the Hai and in the Muntafiq, occasioned by the perennial disputes arising out of the differences mentioned, that a law regulating the investigation and settlement of the conflicting claims in these areas was enacted two years ago and is now in course of application.*

In the northern rainfall zone the people generally lived in regular villages, under the shadow of a local *agha* or other notable, and cultivated the soil and pastured their flocks round about. As there was ordinarily more land than men to till it, land was brought under cultivation as required and successive generations commonly tilled the same groups of parcels, alternating fallow with sown. When necessary, the local leader became the intermediary between the people and any central Government that could make itself felt. Thus he compounded for the village tithe ('ushr) and collected appropriate contributions from the cultivators. He settled land disputes in village conclave or otherwise, and his jurisdiction to do so was of no material importance so long as these mediæval conditions prevailed. As civilisation developed, towns became more attractive and communications improved, such local leadership sometimes tended to become absentee landlordship; while with the introduction of tapu tenure many village areas appear to have been wholly or partially registered as the personal possessions of local notables, without any consideration of the immemorial rights of those who had regularly occupied and tilled the land or pastured their flocks thereon. The pinch in these cases seems to have been mainly felt when the lands were pledged, and forfeited, to town-dwelling merchants for debt. The personal touch and interdependence that existed between even the most arbitrary local chieftain and the village cultivators appears not infrequently then to have been replaced by more mechanical efforts to exploit the land from outside and by obstruction to such efforts from within.

These generalised instances are only intended to serve as illustrations of the evil effects of granting tapu tenure in the past without a thorough study and due safeguard of previously existing rights. No comprehensive or detailed study of these cases is possible here.

5. When the maps from which Plates I and II were prepared were in process of compilation the Tapu Department did its best to show the location and extent of all land held under tapu tenure. Partly owing to the destruction of records by the retreating Turks, but much more owing to the inherent defects of their Land Registry methods, it was not found possible generally to do more than indicate approximately the outside limits of patches of territory thought to be affected. The maximum limits of these groups of territory will be seen, on reference to Table I, to cover about 40,000 square kilometres. It is impossible to say what proportion of the areas included would prove upon due investigation to be reasonably entitled to be held in tapu tenure.

*Law for the settlement of disputes of Muntafiq Lands. No. 23 of April 4, 1923.

changes, canal silting, tribal movements, Central Government action, or other circumstances. 311

7. With relatively little exception the riverain tracts affected are miri land. It has been noted how the cultivation previously shifted therein in response to changing circumstances. The prescriptive claims to pasture were naturally even more variable and indeterminate. It is consequently not surprising that as the pump development movement extended, these riverain tracts were found so closely interpenetrated by prescriptive claims (lazma) of one sort or another, that few areas suitable for pump development were unaffected. These claims constituted a serious obstacle to the general development of the riverain tracts by pump installations. For at first the claimants as a whole had neither the desire, nor the enterprise, nor the ability to raise the capital needed to undertake this development themselves. 311 423 427 312

In discussing these prescriptive claims earlier their primarily tribal origin was mentioned: and it appears that the prescriptive rights recognised by the provincial authorities in pump agreements are preponderantly of such origin and character. These pump agreements may be made in the name of a sheikh or sirkal, but he stands as the tribal or sub-tribal, representative. No doubt when the sheikh or sirkal is a forcible person, he may engulf in his own person the rights of his tribal associates. Alternatively when the sheikh or sirkal is a man of straw, unable to lead his section or keep it together, he may be displaced, and even lose his strictly tribal share in the common holding. In a number of cases, after the movement started and its potentialities had become more apparent, a sheikh or other leading member of a tribal section which claimed prescriptive rights over a promising area, himself erected a pump and cultivated the area with the labour of the other members of the section. Under these circumstances the difficulties of divided interests and divided control, so frequently attending these pump ventures, may not arise. And so far as my information goes it is pump ventures inaugurated and worked by a capable tribal leader under these conditions that promise to be the most successful. 427 312 622

But enterprising townsmen and others with tribal affiliations, who wished to participate in the movement usually had to search for a suitable stretch of miri land and enter into an agreement with some group of claimants to prescriptive rights over it. No very definite procedure was required. The process may be loosely generalised somewhat as follows. An enterprising individual, having some miri land of uncertain limits and subject to uncertain prescriptive claims in mind, decided to buy a pump and engine, the capacity of which usually depended as much on his financial resources as the situation and extent of the land to be watered. He applied to the Governor of the Province for permission to erect the installation. This always necessitated a permit from the Irrigation Department (under the Irrigation and Embankments Law), and when the land was miri (as it usually was) the approval of the State Domains Department and the issue of a lease by them. 427 312 311

The Irrigation Department checked the suitability of the installation to the extent of land, according to the information given; and if they had the means tried to locate the land and check the area on a map. Otherwise the figures had to be accepted as notified. And even when the capacity of the installation and the area of the land (as quoted) were discrepant, it was often found that the pump had already been bought. The Department also tried to ensure that the site of the pumping plant was wisely chosen in regard to flood and low stage river conditions, as well as the distribution of the water for cultivation.

The State Domains Department acted through the provincial authorities, who necessarily had no better information as to the situation

6:Ireland S-5 (no date)1937 MH1 Iraq MH1

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> a country of tribesmen fast losing the old loyalties, less and less able to revert to the old livelihood, attracting local rather than tribal relations, more dependent on order and control . . . yet still tribal in material equipment, in speech, in ignorance, still easily inflamed to ruin their own interests, still resentful of government and all its works.[1]

The full application of the policy of rebuilding the tribal organization under competent shaikhs, advised, controlled and supervised by British Political Officers, which was the essence of Sandeman's policy, had to wait until the force of Turkish arms had been broken.[2] In the meantime, however, every means of strengthening the power of the shaikhs was undertaken, on the basis that 'both the attitude and action of a tribe depend almost entirely on its most influential chiefs'.[3]

[672] A single leading shaikh was recognized in every tribe, as in the Sūq ash-Shuyūkh district where H. R. P. Dickson, Assistant Political Officer, reported that he had 'managed during 1916-17, more or less to get the power into the hands of one shaikh in the case of each of the 22 Suq tribes'.[4]

Each shaikh so selected was made responsible for peace and order in his tribe, for the apprehension of wrongdoers, for the protection of lines of communication and of British Government property, for the cutting off of supplies and aid to the Turks and for the collection of such revenue as was levied. In return, he was given the support of British officials, prestige and, if necessary, arms. Possession of his lands was confirmed, and his tribal boundaries were defined as closely as possible. His natural importance in the tribal *majlis* was enhanced by

[1] Longrigg, S. H., *Four Centuries of Modern 'Iraq*, p. 309.

[2] For instance, Nāsiriya was occupied July, 1915, but not until 1918 was administrative progress possible among the tribes, because of their anti-British feeling. *Admin. Report, Muntafiq*, 1919, p. 2; *Revenue Report*, 1919, p. 24.

[3] *Provisional Note on the Tribes within and fringing Mesopotamian Boundaries, North of Latitude* 33° 20′ (*Baghdad*). For official use only, General Staff, M.E.F. (Baghdad, 1920), p. 1 (hereafter *Note on Tribes for General Staff*). Although written in 1920 of tribes of Baghdad wilayet, it is generally applicable to practically all tribes from 1914.

[4] *P.O. Reports*, 1916-1917: *Admin. Rep., Sūq esh-Shuyukh*, p. 43.

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prosperity of the main national industry and the welfare and contentment of the people as a whole."[1]

There are different varieties of tenure in the two zones, determined by the different conditions of agriculture. In the north, the forms of tenure are similar to those of Syria, with a class of small proprietors taking some, but not all, of the land. In the south large owners or sheikhs own virtually all of the land, letting it to share-tenants, through a series of intermediary lessees, minor sheikhs, sirkals (formerly sub-sheikhs), or town notables. At the bottom of this many-storied building the fellah cultivates the land under a burden of debt. This peculiar form has originated from the disintegration of the tribal system; the sheikhs have profited by the confusion of the law to secure individual ownership of land which by custom is the property of the tribe.

The Breakdown of the Tribal System. In the irrigation zone, the practice of shifting cultivation was accompanied until very recently by an equally unstable form of landownership. The basis of the ownership is the tribal *dirah*, a large area not limited to land actually tilled but including also non-cultivated land and submerged marsh land, over which a tribe exercises a customary right of occupation. These areas are considered to be the property of the whole tribe, and until recently were so in fact.

The tribal system existed generally until some forty years ago, and still prevails in parts of the country.[2] Under this system, the usual procedure was to set aside a part of the cultivated area, a third or even a half, to provide revenue for the sheikh to discharge his political duties, which then included the maintenance of a tribal militia, the provision of hospitals, and keeping the *mudhif* (the coffee shop and civic and social centre of the tribe). This revenue accrued to the office of the sheikh, and not to his person. The rest of the land was sometimes distributed among the families of the tribe, according to the numbers of fighters who had helped to seize the land from another tribe, or according to the amount of land reclaimed: more often, however, the land was cultivated in small groups, the tribal sub-

[1] op. cit., p. 33.

[2] For a detailed account of the historical development of Iraq's land tenure system, see Salih Haider 'Land Problems of Iraq' (London University Ph.D. thesis, 1942).

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sections or clans, under the direction of the sirkal, the head of the clan, who organized the members of the tribe on a share-cropping basis, the peasants generally taking a half, two-fifths, or a third of the produce.

But even on these individual holdings communal ownership is manifested in several ways: for instance by the fact that sub-tribal chiefs can be shifted from their holdings by the tribal chiefs; by the right of pre-emption and veto exercised by the tribe over transfer of land from one member to another, and especially to outsiders; the fact that women are excluded from inheriting land; the moral duty of employing members of the tribe in preference to outsiders; and in certain parts of the country, reallotment of the land on the *mushaa* system.[1]

The method of farming necessitates the existence of some measure of communal cultivation and ownership. Cultivation by irrigation involves many duties which cannot be performed by one household—the clearance of canals, the building of dams across channels, and the strengthening of the river banks; all these functions require tribal organization. Hence the head of the clan, the sirkal, was originally a manager on behalf of the tribe; he employed the peasants and divided the land among them into plots to support them until the harvest, appointed the dates of sowing, harvesting, and threshing, and organized irrigation and canal clearance.

Thus, although the tribe exercises a right of occupancy over the tribal *dirah* and can prove occupation of the whole area, it cannot be proved in the same sense that the peasant has a certain plot of his own occupied for a number of years. Within the tribal *dirah*, the area cultivated by each group shifts as canals silt up and the land is impoverished by salt, and so the area cultivated by each peasant shifts also. The peasants themselves are largely mobile, both within the tribal *dirah* and outside it; cultivation is rather half-hearted and grazing remains an alternative occupation.

It must be remembered that the tribal system, when it prevailed generally, had no legal basis, and no protection from the State; the tribe was, in fact, in itself a unit of political organization, and itself performed the State's functions. Within the

[1] From an unpublished report by Dr Salih Haider, on 'The Problem of the Land in Iraq' (1944).

25: Warriner S-5 no date 1948 MI Middle East
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twenty-first part of the total. The position of the share-tenant in Iraq is much worse than that of his counterpart in Syria.

In the districts of flood irrigation the tribal system has disintegrated, but its superstructure, the sheikhs and sirkals, remains. Most of the political functions of the tribe have now been transferred to the State, and the only economic function now performed by the tribal authorities is the control of irrigation, digging of canals, and repairing of breaches, which is done by the cultivators under the direction of the sirkal who has become a kind of farm bailiff acting for the sheikh. Under this system the sheikh and sirkal take together up to 80 per cent of the crop, leaving the cultivator some 20–30 per cent.

This exploitation is possible because the sheikhs have succeeded in establishing, mainly during the last fifteen years, their title to absolute ownership of the tribal land by means of land settlement. Because in Ottoman times the cultivators had no legal title to the land which they occupied, the landlords were able, during the period of the mandate, to use their political power to secure legal title to land which was by custom and tradition the property of the tribe. In much the same way the English landlords of the eighteenth and nineteenth centuries enclosed land as their property which was traditionally common property, and ousted small holders whose title was based only on custom. As in nineteenth century England, the process is being hastened by mechanization, which gives the big landowners an advantage as against the small cultivator, and by inflation, which gives them the impetus to invest. The big landowners of Iraq are a comparatively recent creation, and it is the economic and legal changes of the past twenty years which have established their position.

Northern Iraq. In northern Iraq there is a different type of land tenure and fewer large landowners. South of Mosul, in the fertile Tigris Valley, where pumps have been installed, there is a tribal system resembling that of the south, and the land is owned mainly by tribal sheikhs and notables. West of Mosul, on the rolling uplands with poor rainfall, the land is also held on a tribal system. In this region in recent years there has been a rapid introduction of machinery; and the sheikhs are extending their power to acquire land. In future bigger imports of machinery will probably cause them to extend their influence

25: Wartime S-5 no date 1948 MI Middle East
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landowners, and the occupying peasants, which has from time to time led to outbreaks of violence.

In the Amara liwa for instance the sheikh has fairly complete power over his tribal sirkals and fellaheen. 'He switches his secondary lessees around at the yearly leasing time, throwing out any one he disapproves of, allotting the portions of land either by a form of auction or by direct agreement. The power of the sheikhs varies with the prosperity of the estates. The poor estates in the liwa, for instance, the Beni Lam estates, are short of labour and the sheikh is glad to get any comer on almost any terms. In such estates, the pump-owning secondary lessees (or sirkals) become the real masters of the land they cultivate, and the sheikh becomes a rent receiver. Other poorer estates in this district are becoming the property of the big rice merchants of the towns.'[1]

A report from the Muntafiq liwa describes similar conditions. The land is being ruined by bad farming, because year after year the same land is sown with a winter corn crop, and gets no rest either through fallow or through a rotation of crops. The government regulation that land must remain fallow in alternate years is disregarded. 'Perhaps the greatest racket in this area is the undue amount of the crop taken by pump owners,' says the report. This is due to the lack of any credit system: much forward selling of the crops takes place as soon as the green appears, at ruinous prices to the cultivator, sometimes in return for a loan amounting to about a quarter of the current grain price.[2]

In the densely settled regions of the south, such as Muntafiq, the position of the cultivator is particularly bad. He usually receives only a 30 to 50 per cent share of the produce. A typical apportionment of the crop is:

Government	10 per cent
Principal tenant (sheikh)	7½
Sirkal	2½
Landowner (either the sheikh or a notable)	40
Fellah	40
TOTAL	100[3]

[1] ibid.

[2] From an unpublished report prepared for M.E.S.C. on 'Land tenure in Muntafiq Liwa', 1944.

[3] A. Bonné, 'Conditions and Problems in the Agriculture of Iraq', *Bulletin of Agricultural Economics and Sociology* (International Institute of Agriculture, Rome), February 1934, p. 53–E.

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plot; they should, in fact, be reserved for peasant proprietorship.

(*b*) Those which the Government does not intend to develop by canalization. In this category development will of necessity be by utilization of private enterprise and capital. It is recommended that this land should be granted in *tapu* ownership by auction in plots of not more than 10,000 dunums.

This last proposal seems difficult to approve in the districts where tribal system still holds sway, since in these districts the granting of large areas of land would serve simply to bolster up the powers of the sheikhs and would not necessarily lead to development. Some of the sheikhs are modern business men (as, for instance, the sheikh of the Beni Shammar who, although illiterate, has converted his enormous properties into a limited company registered in New York). Others are still tribal chiefs whose authority rests on the traditions of religion and war, and who are not likely to plan for the development of their land. Other proposals which have been made are:

1. The development of colonization schemes on new land, with favourable leasehold conditions for the small cultivator, which would attract labour from the sheikh's estates by offering better conditions. By causing a shortage of labour, this would induce the large proprietors to offer better conditions.

This proposal has been advocated by Salih Jaber, the present Prime Minister, and is probably the most practicable under present conditions.

2. Settlement of title on the basis of sirkal ownership. The sirkals are, as has been explained, minor sheikhs or agents of the large sheikhs. They perform an indispensable service in organizing production, because they organize the digging of canals and the planting of the cultivated area in relation to it. They are in fact a sort of irrigation service, and a type of farm manager which does not occur elsewhere. Whether they should really become the basis of the property system seems doubtful, but the proposal is mentioned because it does take into account an essential feature of the Iraqi land system which might be difficult to replace.